IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

INCOME TAX APPEAL NO.114 OF 2000

The Commissioner of Income tax
Bombay City - IV, Mumbai .. Petitioner.
V/s.
Mahindra & Mahindra Ltd. .. Respondent.

Mr.R.V. Desai, senior counsel with Mr.R. Asokan for the petitioner.
Mr.B.V. Jhaveri for the respondent.

CORAM : S. RADHAKRISHNAN &
J.P. DEVADHAR, JJ.

DATED : 1ST MARCH, 2005.

P.C. :

Heard the learned counsel for the petitioner and the respondent. Perused the order of the Income Tax Appellate Tribunal dated 30th August, 1999 pertaining to the assessment year 1988-1989. The following substantial questions of law has been framed by the Revenue, which reads as under :

> 1. On the facts and circumstances of the case, the Tribunal was right in upholding the CIT (A)'s order allowing entire contribution to superannuation fund as against 1/5th of 80% of initial contribution ?
>
> 2. On the facts and circumstances of the case, the Tribunal was right in upholding the CIT (A)'s order allowing deduction for the liabilities provided on account of special pension under the VRS ?

2. With regard to the first question of law, the learned counsel for the petitioner-revenue fairly

states that the said question of law is squarely covered by the judgment of the Supreme Court in the case of **Commissioner of Income-Tax V/s. Sirpur Paper Mills reported in 237 I.T.R. 41.**

3. With regard to the second question of law, the Tribunal has upheld the judgment given in the earlier assessment years 1985-86 and 1986-87. The learned counsel for the Revenue, in spite of adjournments being given in the matter, is unable to make a statement as to whether any appeal is filed against the said orders. The Revenue has accepted the earlier assessment orders and, therefore, there is no substantial question of law involved. Hence, application stands dismissed.

(S. RADHAKRISHNAN, J.)

(J.P. DEVADHAR, J.)